

INMATE/OFFENDER GRIEVANCE

Grievance no. 19-231

Grievance code: 6

Response due: _____

Emergency Grievance

DO NOT WRITE ABOVE THIS LINE

Date 7-22-19

Facility or Unit Echo

Name James Ezell
(Print)

Facility Housing Unit Echo Charlie

DOC Number 237370

Date "Request to Staff" response received: N/A

Have you previously submitted a grievance on this same issue? _____ If yes, what date _____, facility _____, grievance # _____. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

- The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. On June 18, 2019 after number Grievances filed at D.C.F. as relates to Denied Access to Court per OP-030115 here at DAVIS CORRECTIONAL Facility Sec. 11. B(1.) A. page 5, see also OP-030115 IV. B. 1. 2. 3 i.d. at B. 1.] especially with pending Deadline; after 6-18-19 Letter to OKla Bar Assn, on David Cincotta D.C.F has Denied Law Library Access to Court per Policy OP-030115 "Irreparable harm" →
- Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance. On 7-15-19 I asked 40 Foy about law library and clerk he stated there is no law library/clerk on Echo. On 7-17-19 I asked 40 Pierce about law library she stated no L.L. on Echo Max. On 7-18-19 I asked was placed in law library by 40 Pierce without any books or chair 8:38am Echo Charlie. No Law Library clerk posted on Echo, No Trained Law Library Supervisor for Echo Max.

- The action you believe the reviewing authority may lawfully take.

D.O.C. OP-030115 IV. B. 1. 2. 3 i.d. at B. 1.] states it clearly see OP-030115 II. B(1) page 5 D.C.F does not meet what Boudry v. Smith all offender face Irreparable harm; Offender on Echo Max are Denied Access to Court per OP-030115

my TRANSFER OFF MAX IS PASSED DUC

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

Mark Kruton

Director of D.C. / Designee

Name James Ezell III

Title 7-23-19

Signature of Grievant

Date Sent to Reviewing Authority

- Original to file
- Copy to inmate/offender

DOC 090124A (R 4/19)

C.C. [D.D.C.] C.C. mailed to American Bar Assn. Attached to complaint on David Cincotta

EXHIBIT (8)

Cont. 1

→ Whereas retaliation has been documented, Retaliatory action
see. 19-00170, 19-00254, pending 19-00236, 19-00267 and 19-00268
D.C.F has no Law Library on Echo "No" Trained Law Clerk per OP-030115
see. VIII. Private Prisons page 17 Order received from (O.C.O.A.) July. 15, 19
Filed Jul. 10, 2019 No. MA: 2019-458 emergency Irreparable harm —
continued retaliation

SCOTT CROW
INTERIM DIRECTOR



EC-102

J. KEVIN STITT
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REVIEW AUTHORITY

ARA 19-231

Date: JULY 25, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
X	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance and/or properly resubmit. YOU ARE NOW OUT OF TIME TO PROPERLY FILE YOUR GRIEVANCE.
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.
X	24. Other: RE: "EMERGENCY" GRIEVANCE. YOU WERE FORMALLY WARNED ABOUT ABUSING THE GRIEVANCE PROCESS ON 6/26/19.

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS
NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response: 7-29-19
Inmate's signature and date

P.O. BOX 11400
OKLAHOMA CITY, OK. 73136-0400

EXHIBIT
(8) 4

EXHAUSTED

DAVIS CORRECTIONAL FACILITY
Inmate Accounting Transaction Receipt

Today's Date: 08/13/2019 12:35:03PM

EZELL, JAMES RICKEY

E/EC/102/B

Agency # 237370

Perm # 1155321

Transaction Date: 08/13/2019 09:24
Transaction Type: CR - GRIEVANCE FEES/FINES
Amount: \$ 2.00
Check Number:
Receipt Number: 14265225
Adding Officer: ACCOUNTING STAFF
Card #:
Beginning Balance: \$ 0.00
Ending Balance: \$ 0.00

Deposit From/Withdrawal To: ARA 19-231 ARA 7/24/19
Document Locator Number:
Case/Order Number:
Memo:
Batch Verifying Officer: ACCOUNTING STAFF
Batch Number:
Address: .

Cost Recovery Collected:

To Cost Recovery:

\$2.00 CR - GRIEVANCE FEES/FINES

STATE OF OKLAHOMA)
COUNTY OF Hughes) SS.

SWORN AFFIDAVIT OF James Ezell

I James Ezell being of lawful age duly sworn according to law gives the following statement under oath to-wit:

1. The affiant states that on 6/18/19 affiant was placed in the low Library Cage on Echo Charlie at abt 8:38 am and asked %Pirecc about Echo Law Clerk she stated no Law Library on Echo Max, and on 7/18/19 affiant was placed in the Law Library Cages by Ms. %Pirecc without any books or chair in retaliation for filing grievance on Law Library %Pirecc, Law Library Supervisor Ms. Patterson denied affiant a chair in L.L. abt 9:03 am affiant asked %Vance and abt 9:04 am affiant asked %Bullock all stated ask your Unit Officer %Pirecc. Emergency Grievance Filed 7/22/19

Subscribed and Sworn to this 20 of AUGUST 2019

Notary Public Carla Hoover
MY COMMISSION 4-13-2022



EXHIBIT

(8) b

INMATE/OFFENDER GRIEVANCE

Grievance no. 19-232

Grievance code: 6

Response due: _____

Emergency Sensitive

DO NOT WRITE ABOVE THIS LINE

Date 7-22-2019

Facility or Unit D.C.F.-Echo

Name James Ezell III

Facility Housing Unit EC-102

(Print)

DOC Number 237370

Date "Request to Staff" response received: _____

Have you previously submitted a grievance on this same issue? YES If yes, what date 4-25-19, facility D.C.F., grievance # 00236-. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary.

Retaliation has continued here at D.C.F. by L.L. SUPERVISOR Ms. Patterson, this Supervisors has allow 2 approved Law Clerks to deny then retaliation grievances filed with A.W. Gentry Knowledge, Warden Knowledge Echo U/M Ade C/M Pfaff have Knowledge of the denial personally and directly by using offender Ezell Transfer packet in a retaliatory fashion for reported grievances fillings ->

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.

These dates I was placed in Low Library Cages on Echo Charlie June. 24, 25, 2019 and 26 again July. 1, 2, 2019 in violation of 2019-1001-00170-G D.C.F. relief granted appeal to ARK Mark Knutson 00170-G

Spoke to C/M Pfaff, U/M Ade, A.W. Gentry, Warden Yates about the Low Library that is inadequately for [OFFENDERS ON ECHO MAX]

3. The action you believe the reviewing authority may lawfully take.

D.C.F. HEADS HAS HAD OPPORTUNITY TO CORRECT DENIAL OF OR-030115 by L.L. SUPERVISOR MS. PATTERSON D.C.F. REFUSE TO STOP THE RETALIATION BY L.L. SUPERVISOR, L.L. CLERKS ON ECHO MAX AND BY U/M Ade, C/M Pfaff WITH LATEST RETALIATION TRANSFER PACKET RECOMMENDATION TO REMAIN MAX BY C/M Pfaff and U/M Ade UCC WITH CLEAR ->

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

Name Director

Title DELA DEPT. OF CORR.

Signature of Grievant James Ezell

Date Sent to Reviewing Authority 7-22-19

1. Original to file
2. Copy to inmate/offender

DOC 090124A (R 4/19)

See

CC. TO GOVERNOR OFFICE 7-22-19
original To [D.D.A.C.] Director

Copy 1 of 3
backside
original

EXHIBIT
(9)

CONT. 1

by C/M Pfaff after CF-2018-34 Charges Ordered Dismissed April 26, 2019 anything and thereafter all personnel named violates [offenders] Due Process Equal Protection First and Fourteenth and Eighth Amendment of U.S.C. by retaliatory action.

CONT. 2

MR. Grant L.L. Supervisor over Ms. Patterson medium yard L.L. Supervisor [Echo] U/M Adk C/M Pfaff %c Boggs U.C.C. team; A/V Gentry A.A.W Perez Warden Yates, and [CORE civil] CEO Doman Hinner on 7 22 19 after O.D.O.C designee Mr. Mark Knutson

CONT. conduct

3. Offender Ezell # 237370 WAS TRANSFER TO D.C.F from J.C.C.C on 5-3-18 recommended max by U.C.C 5-10-18 as it related to 5-3-18 on 4-26-19 charges related to 5-3-18 Transfer to (D.C.F) were dismissed grievances filed at D.C.F denied access to court DP-030115 then Retaliation — Only Remedy is transferred from Max Immediately the continued; D.C.F has not corrected the discrimination retaliatory action.

SCOTT CROW
INTERIM DIRECTOR



EC-102
J. KEVIN STITT
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REVIEW AUTHORITY

ARA 19-232

Date: JULY 25, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
X	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance and/or properly resubmit. YOU ARE NOW OUT OF TIME TO PROPERLY FILE YOUR GRIEVANCE.
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.
X	24. Other: RE: "EMERGENCY" GRIEVANCE. YOU WERE FORMALLY WARNED ABOUT ABUSING THE GRIEVANCE PROCESS ON 6/26/19.

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS
NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response: 7-29-19
Inmate's signature and date

P.O. BOX 11400
OKLAHOMA CITY, OK. 73136-0400

EXHAUSTED

EXHAUSTED
(19)9

DAVIS CORRECTIONAL FACILITY
Inmate Accounting Transaction Receipt

Today's Date: 08/13/2019 12:35:03PM

EZELL, JAMES RICKEY

E/EC/102/B

Agency # 237370

Perm # 1155321

Transaction Date: 08/13/2019 09:23

Transaction Type: CR - GRIEVANCE FEES/FINES

Amount: \$ 2.00

Check Number:

Receipt Number: 14265213

Adding Officer: ACCOUNTING STAFF

Card #:

Beginning Balance: \$ 0.00

Ending Balance: \$ 0.00

Deposit From/Withdrawal To: ARA 19-232 ARA 7/25/19

Document Locator Number:

Case/Order Number:

Memo:

Batch Verifying Officer: ACCOUNTING STAFF

Batch Number:

Address:

Cost Recovery Collected:

To Cost Recovery:

\$2.00 CR - GRIEVANCE FEES/FINES

STATE OF OKLAHOMA)
COUNTY OF Hughes) SS.

SWORN AFFIDAVIT OF James Ezell

I James Ezell being of lawful age duly sworn according to law gives the following statement under oath to-wit:

1. The affiant states an Emergency Sensitive Grievance was filed 7/22/19 based on retaliation by DCF staff % ADKINS refused to feed affiant lunch and dinner on abt. 3/19/19 denied access to court by % ADKINS and inmate Tommy Raven Echo Law Library then approved Law Clerk and % Pfaff, % Ade started retaliation threats of misconducts affiant then continued to suffer retaliation by Law Library Supervisor Ms. Patterson denial of L.L denial of requested information affiant filed grievances for denial of OP-030115 and OP-090124 Fully since 7/2019

Subscribed and Sworn to this 20 of August 2019

Notary Public #1 Carla Hoover

MY Commission 4-13-2023



GRIEVANCE RETURNED UNANSWERED

EC 102

Received:

X James Yates
Inmate signature

X 7-1-2019
Date

DATE: June 26, 2019
TO: Ezell, James, #237370
FROM: James Yates, Warden
Received: June 26, 2019
RE: Return of Grievance # 2019-1001-00268-G

YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:

- ☐ You have not filed your grievance within the specified time frame. (CANNOT RESUBMIT)
- ☐ The "Request to Staff" must be submitted **within seven (7) days of the incident.**
- ☐ The inmate/offender grievance must be submitted by the inmate/offender 15 days from the **date of the receipt of the response to the "Request to Staff."**
- ☒ An ANSWERED Request to Staff form addressed to the correct staff member must be attached.
- ☐ The **Request to Staff** issue is not consistent with the issue requested on the **Grievance.**
- ☐ Inmate Request forms are not utilized in the Grievance Process.
- ☐ You have not completed the Grievance form correctly, in its entirety, or on the correct form.
- ☐ Grievances submitted must be legibly written or typed, in blue or black ink. No pencil, highlighter, or other color of ink is allowed. No drawing, decorating, doodling, or making comments, in the margins of the pages is permitted.
- ☐ The **Grievance and Request to staff** must be specific as to the Complaint, Dates, Places, Personnel Involved and How the Inmate was Affected.
- ☐ Classification Movement requests to transfer to another facility, are not grievable to DOC.
- ☐ If there has not been response to your Request to Staff in 30 days, but no later than 60 days, of submission, the inmate may file a grievance to the reviewing authority with a copy of the "Request to Staff" attached to the grievance form. (Ask the law library supervisor for a copy of the RTS.) The grievance form may only be filed about the lack of response to the "Request to Staff."
- ☒ Only ONE ISSUE OR INCIDENT is allowed per **Grievance and Request to Staff.**
- ☐ You are on Grievance Restriction, proper documentation was not included.
- ☐ It has been determined that the grievance is not of an Emergency or Sensitive nature. The grievance is being returned and you must comply with the standard grievance process.

Note: Grievance Coordinator at R.A level Ms. Underwood, warden Yates denied plaintiff First Amendment Right, the A.R.A Mark Knutson denied to correct Newly discovered available evidence. See also Ex. 12a) 1, 12a) 4 00342-6"

EXHIBIT (11) a1

☐ **Section-09 Programs Page: 4 OP-090124 Effective Date: 04/11/2019**

B. Non-grievable Issues

1. Misconduct reports received through the agency disciplinary procedures may not be appealed through the grievance process. Misconduct reports may only be appealed through the disciplinary appeal process as referenced in OP-060125 entitled "Inmate/Offender Disciplinary Procedures."

☐ 2. Grievances shall not be submitted:

☐ (a) about matters that are in the course of litigation;

☐ (b) about matters that include requests for disciplinary action against staff;

☐ (c) requesting monetary compensation; or

☐ (d) For property issues at privately contracted facilities. These are to be resolved by the privately contracted facility and are not grievable or appealable to ARA.

☐ Property issues may be addressed by utilizing the requirements of CCA Policy 14-6: Inmate Resident Property (Property Claim 14-6D and Appeal 14-6E).

☒ **Section-09 Programs Page: 18 OP-090124 Effective Date: 04/11/2019**

A. Determining Abuse of the Grievance Process

1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))

☐ a. Grievances intended to harass another;

☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);

☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;

☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;

☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;

☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;

☒ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

☒ **Because of continued abuse of the grievance process this serves as an official warning.**

☒ You will be afforded the opportunity to properly re-submit a grievance form within **10 days** of receipt of this notice **WITH THE NOTED CORRECTIONS COMPLETED**. The grievance form must be proper, complete, and submitted to the proper reviewing authority. The failure of such waives/forfeits the right to proceed in the grievance process.

☐ Due to your continued failure to submit a properly filed grievance, you are now **OUT OF TIME**.

☒ Other: **No RTS attached with grievance. Only one issue per RTS and grievance. Because of procedural defects, no RTS, you are receiving a grievance restriction warning.**

INMATE/OFFENDER GRIEVANCE

RECEIVED

JUN 26 2019

GRIEVANCE

Grievance no 2017-1001-00268-6Grievance code: 6Response due: 2/15/19

DO NOT WRITE ABOVE THIS LINE

Date 6-21-19Facility or Unit Echo MaxName James Ezell
(Print)Facility Housing Unit EC-102DOC Number 231370Date "Request to Staff" response received: June 20, 19

Have you previously submitted a grievance on this same issue? No If yes, what date _____, facility _____, grievance # _____. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

- The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. On June 20 2019 MS Underwood provided grievance # 2019-00170 amended without appeal form; On June 13th 2019 C/C Boggs looked on Echo Charlie tables for DOC 060125V (R 4/17) Appeal To Administrative Review Authority Grievance appeal Forms; I.R. submitted to L.L.S Ms. Patterson concerning these forms per 030115 in which L.L.S Ms. Patterson is not doing her job correctly. #2019-00170 was due before June 21, 2019 by appeal Form 060125V headers offenders Grievance appeal process by unavailable forms on Unit
- Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.

On June 12, 2019 I.R. was submitted to Ms. Patterson, and R.T.S. submitted to L.L.S. Ms. Patterson See response attached

On June 14, 2019 C/O Ms. Pierce on Echo Charlie check the unit table for form 060125V none was available

On June 14, 2019 a I.R. was addressed to O.DOC Mark Knutson, Ms. Underwood responded providing forms required to Appeal 060125V on June 29 2019 by mail EC-102 - cont.

- The action you believe the reviewing authority may lawfully take.

Per DP-030115 Ms. Patterson is responsible for making all forms ready available per access to court. It's not Ms. Hoover job under DP-030115 clearly they were unavailable [the reviewing authority may correct any denial of appeal because the form being unavailable per DP-030115 Access to Court]

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

Name James Yates
James Ezell III
Signature of Grievant

Title Warden
6-24-2019
Date Sent to Reviewing Authority

DOC 090124A (R 4/19)

- Original to file
- Copy to inmate/offender

original Grievance

EX-114
EXHIBIT 11a) 3

2019-00144-G

RECEIVED
JUN 26 2019
GRIEVANCE

cont. 2

on or about 3-29-19/4-9-19 grievance # 2019-00144-G C/M Pfaff downloaded from his computer on 6-12-2019, 6-13-2019 C/M Pfaff refused to help obtain 060125V Appeal forms

on 6-2019 MS C/o Pierce advised me these forms offenders must obtain from C/M / Ms. Hoover none on Unit L-L Table.

Misconduct/Grievance Appeal To Administrative Review Authority

Inmate Name: James Ezell DOC Number: 237370

Facility Where Offense/Grievance Occurred: D.C.F. Echo Offense Code: 6

Date of misconduct violation: _____

☐ Facility Misconduct Appeal Number

☒ Facility Grievance Appeal Number
2019-1001-00268-G

I received the response of the reviewing authority at the facility on: 7-1-2019

Fill out this form in blue or black ink. Writing must be legible. I wish to appeal the reviewing authority's response to the misconduct/grievance on the following ground(s) only. DO NOT ATTACH ANY OTHER PAGES. (Use ONLY the back side of this page, if necessary). Your appeal will be returned to you unanswered if any other pages are submitted.

- ☒ Newly discovered/available evidence not considered by the reviewing authority, relevant to the issue, necessary for a proper decision, and why the evidence was not previously available which if considered may alter the decision (you must clearly state the newly discovered/available evidence); or
- ☒ Probable error committed by the reviewing authority in the decision such as would be grounds for reversal (you must clearly state the error committed by the reviewing authority, including citing the part of procedures or statutes not followed by the reviewing authority).

Response:

I understand that in accordance with OP-060125/OP-090124, I will be charged \$2 to appeal a misconduct/grievance to the Administrative Review Authority or Chief Medical Officer, and that this form is also a request for disbursement of funds from my trust fund draw account. If I do not have enough funds to cover this cost, the amount will be collected as soon as funds become available.

James Ezell
Signature of Inmate

7-2-2019
Date

DOC 060125V (R 4/17)

EXHIBIT (11 b) 1

Newly discovered/available evidence not considered by the reviewing authority
this grievance # 1001-00268-G was submitted on 6-24-19 to Ms. West with
grievance # 1001-00267-G between [10:30am - 11:45 on Echo Charlie in L.I. Cages]
Ms. West let me seal legal mail she dropped mail at that point inmate Ezell
reminded Ms. West of grievances and attached R.T.S. by tape folded because
EC unit would not staple, Ms West acknowledged check grievances and seal
clearly on [video footage]...

Ms. Underwood G.C. has intentionally removed R.T.S. From grievances
which video footages supports Mr. Ezell action with Ms. West Mailroom Supervisor
on 6-24-2019 later Ms Underwood G.C. returns grievance # 00255-G and 00254-G
continued denial by D.C.F Law Library Supervisor Ms. Patterson, continued
retaliation, retaliatory now by G.C. Ms. Underwood.

Probable error committed by the reviewing authority

R.T.S. was attached to grievance Ms. Underwood was mention in grievance
blocked the I.R. address to D.D.D.C Mark Knutson

Because Ms. Underwood's statement no R.T.S. grievance is being returned,
^{because} ~~be~~ Ms. Underwood's statement no R.T.S. grievance restriction warning

one incident is based on refusal to provide on.O.C 060125V. continued
denied access to court OP-030115

Copy 2 of 2 handwritten mailed 7-2-19

SCOTT CROW
INTERIM DIRECTOR



EC-102
J. KEVIN STITT
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REVIEW AUTHORITY

DCF 19-268

Date: JULY 11, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
X	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections, etc.)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
X	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
X	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance and/or properly resubmit. YOU ARE NOW OUT OF TIME TO PROPERLY FILE YOUR GRIEVANCE.
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.
	24. Other:

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS

NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response: 8-2-19

Inmate's signature and date

GRIEVANCE RETURNED UNANSWERED

Received:

X *[Signature]*

Inmate signature

X 7-1-2019

Date

DATE: June 26, 2019
 TO: Ezell, James, #237370
 FROM: James Yates, Warden
 Received: June 26, 2019
 RE: Return of Grievance # 2019-1001-00267-G

YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:

- ☐ You have not filed your grievance within the specified time frame. (CANNOT RESUBMIT)
- ☐ The "Request to Staff" must be submitted **within seven (7) days of the incident.**
- ☐ The inmate/offender grievance must be submitted by the inmate/offender 15 days from the **date of the receipt of the response to the "Request to Staff."**
- ☒ An ANSWERED Request to Staff form addressed to the correct staff member must be attached.
- ☐ The **Request to Staff** issue is not consistent with the issue requested on the **Grievance.**
- ☐ Inmate Request forms are not utilized in the Grievance Process.
- ☐ You have not completed the Grievance form correctly, in its entirety, or on the correct form.
- ☐ Grievances submitted must be legibly written or typed, in blue or black ink. No pencil, highlighter, or other color of ink is allowed. No drawing, decorating, doodling, or making comments, in the margins of the pages is permitted.
- ☐ The **Grievance and Request to staff** must be specific as to the Complaint, Dates, Places, Personnel Involved and How the Inmate was Affected.
- ☐ Classification Movement requests to transfer to another facility, are not grievable to DOC.
- ☐ If there has not been response to your Request to Staff in 30 days, but no later than 60 days, of submission, the inmate may file a grievance to the reviewing authority with a copy of the "Request to Staff" attached to the grievance form. (Ask the law library supervisor for a copy of the RTS.) The grievance form may only be filed about the lack of response to the "Request to Staff."
- ☒ Only ONE ISSUE OR INCIDENT is allowed per **Grievance and Request to Staff.**
- ☐ You are on Grievance Restriction, proper documentation was not included.
- ☐ It has been determined that the grievance is not of an Emergency or Sensitive nature. The grievance is being returned and you must comply with the standard grievance process.

Note: Ms Underwood destroy attached request to staff violates plaintiff
 First Amendment Right, Deposition and video Footages

EXHIBIT(10)a1

☐ **Section-09 Programs Page: 4 OP-090124 Effective Date: 04/11/2019**

B. Non-grievable Issues

1. Misconduct reports received through the agency disciplinary procedures may not be appealed through the grievance process. Misconduct reports may only be appealed through the disciplinary appeal process as referenced in OP-060125 entitled "Inmate/Offender Disciplinary Procedures."

☐ 2. Grievances shall not be submitted:

☐ (a) about matters that are in the course of litigation;

☐ (b) about matters that include requests for disciplinary action against staff;

☐ (c) requesting monetary compensation; or

☐ (d) For property issues at privately contracted facilities. These are to be resolved by the privately contracted facility and are not grievable or appealable to ARA.

☐ Property issues may be addressed by utilizing the requirements of CCA Policy 14-6: Inmate Resident Property (Property Claim 14-6D and Appeal 14-6E).

☐ **Section-09 Programs Page: 18 OP-090124 Effective Date: 04/11/2019**

A. Determining Abuse of the Grievance Process

1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))

☐ a. Grievances intended to harass another;

☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);

☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;

☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;

☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;

☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;

☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

☐ **Because of continued abuse of the grievance process this serves as an official warning.**

☒ You will be afforded the opportunity to properly re-submit a grievance form within **10 days** of receipt of this notice **WITH THE NOTED CORRECTIONS COMPLETED**. The grievance form must be proper, complete, and submitted to the proper reviewing authority. The failure of such waives/forfeits the right to proceed in the grievance process.

☐ Due to your continued failure to submit a properly filed grievance, you are now **OUT OF TIME**.

☒ Other: **No RTS attached with grievance. Only one issue per RTS and grievance.**

INMATE/OFFENDER GRIEVANCE

Grievance no. 2019-1001-00267-GGrievance code: 6Response due: 7/15/19

DO NOT WRITE ABOVE THIS LINE

Date 6-21-19Facility or Unit Echo MaxName James Ezell
(Print)Facility Housing Unit SC-102DOC Number 237376Date "Request to Staff" response received: June 29, 19

Have you previously submitted a grievance on this same issue? NO If yes, what date _____, facility _____, grievance # _____. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary.

On June 11, 2019 I provided an Order received that day To Ms. Patterson L.L.S., in which the next day Ms. Patterson returned with her approved Legal Law Clerk and requested to see the Order of [D.C.O.A.] filed June 5, 2019 Denying Petition for Writ of Mandamus I provided again to Ms. Patterson which she shown to her Legal Law to verify and he denied because lack of knowledge or in a

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.

On 6-4-19 inmate request provided to Ms. Patterson on Law Clerk lack of knowledge denial of correct information.

on 6-11-19 side cell I spoke with Ms. Patterson provide proof of deadline Order and explain Legal right per DP-030115

on 6-13-19 after denial of Order base on Law Clerk signed by D.C.F./General Counsel RTS submitted to L.L.S. Ms. Patterson.

3. The action you believe the reviewing authority may lawfully take.

Ms. Patterson L.L.S. continue to allow assigned Legal Law clerks assigned in D.C.F. Law Library to retaliate on Mr. Ezell for filing grievance because denied Access to court per DP-030115, either the Law Clerk has lack of Legal knowledge (OK) is Retaliating by giving Ms. Patterson incorrect information →

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

Name James BatesTitle WardenSignature of Grievant James EzellDate Sent to Reviewing Authority 6-24-2019

DOC 090124A (R 4/19)

1. Original to file
2. Copy to inmate/offender

Original Grievance (~~EX-109~~)
EXHIBIT 109) 3

RECEIVED

JUN 26 2019

GRIEVANCE

Cont. 1

→ A retaliatory way because previous grievances filed. This grievance shows the law clerks assigned to D.C.F Law Library has no knowledge of (O.C.O.A) Rules on Orders the incorrect information given to Ms. Patterson Denied my entitlement per OP-030115 deadline Emergency filed 6-12-19 after Ms. Patterson clearly stated her clerk advised her Mr. Ezell PR-2019-139 ORDER Filed 6-5-19 was not a Order, after Emergency Grievance filed on issue June 12, 2019 Ms. Patterson returned June. 14, 2019 to review ORDER PR-2019-139 again with another Legal Law clerk assistant assigned to D.C.F LL per OP-030115

Cont. 3

and should be removed from his Job whereas I am held on EchoMax and must depend on his legal knowledge to grant or deny my access to court because a inmate said so Correction is removal of this offender ~~sup~~ and for his incompetent^{cy} ~~also~~ because clearly anything else would be retaliation for filed grievances.

Misconduct/Grievance Appeal To Administrative Review Authority

Inmate Name: James Ezell DOC Number: 237370

Facility Where Offense/Grievance Occurred: D.C.F. Echo Offense Code: 6

Date of misconduct violation: _____

☐ Facility Misconduct Appeal Number _____

☒ Facility Grievance Appeal Number
2019-1001-00267

I received the response of the reviewing authority at the facility on: 7-1-2019

Fill out this form in blue or black ink. Writing must be legible. I wish to appeal the reviewing authority's response to the misconduct/grievance on the following ground(s) only. DO NOT ATTACH ANY OTHER PAGES. (Use ONLY the back side of this page, if necessary). Your appeal will be returned to you unanswered if any other pages are submitted.



Newly discovered/available evidence not considered by the reviewing authority, relevant to the issue, necessary for a proper decision, and why the evidence was not previously available which if considered may alter the decision (you must clearly state the newly discovered/available evidence); or



Probable error committed by the reviewing authority in the decision such as would be grounds for reversal (you must clearly state the error committed by the reviewing authority, including citing the part of procedures or statutes not followed by the reviewing authority).

Response:

I understand that in accordance with OP-060125/OP-090124, I will be charged \$2 to appeal a misconduct/grievance to the Administrative Review Authority or Chief Medical Officer, and that this form is also a request for disbursement of funds from my trust fund draw account. If I do not have enough funds to cover this cost, the amount will be collected as soon as funds become available.

James Ezell
Signature of Inmate

7-2-2019
Date

DOC 060125V (R 4/17)

~~EXHIBIT (10b)~~
EXHIBIT 10b) 1

Newly discovered/available evidence not considered by the reviewing Authority
On 6-24-2019 Ms. Underwood returned Emergency Grievance filed 6-14-2019
1001-00755-G; Grievance # 1001-00767 was provided to Mailroom Ms. West
[6-24-2019] between hours of 10:30am-11:45 on EC inmate Ezell was in Cages
Ms. West dropped mail on floor in front of cages at that point I
reminded Ms. West of grievance and attached R.T.S by tape folded because
EC unit would not staple. R.T.S was attached to grievance filed 6-24-19
clearly Ms. Underwood destroy R.T.S actually attached grievance is very
specific dates places personnel involved and how I was affected...
Issue is denied Access to Court on [June 11, 2019]; Ms. Underwood G.C
intent to cause a procedural defect:

Probable error committed by the reviewing authority in the decision
Destroying the R.T.S. allowing Ms. Patterson Law Library Supervisor to
continue to retaliate by denying OP-030115 by use of Law Clerk
Lack of knowledge to be a Law clerk Furthermore, intentionally
deny my right to OP-090174 by G.C. Ms. Underwood

Copy 2 of 2 handwritten mailed 2-7-2019

SCOTT CROW
INTERIM DIRECTOR



EC-102
J. KEVIN STITT
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REVIEW AUTHORITY

DCF 19-267

Date: JULY 11, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
X	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections, etc.)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
X	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
X	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance and/or properly resubmit. YOU ARE NOW OUT OF TIME TO PROPERLY FILE YOUR GRIEVANCE.
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.
	24. Other:

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS

NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response: _____

8-2-19
Inmate's signature and date

~~EXHIBIT 10c~~
EXHIBIT 10b) 2

DAVIS CORRECTIONAL FACILITY
Inmate Accounting Transaction Receipt

Today's Date: 08/13/2019 12:35:03PM

EZELL, JAMES RICKEY

E/EC/102/B

Agency # 237370

Perm # 1155321

Transaction Date: 08/13/2019 09:16
Transaction Type: CR - GRIEVANCE FEES/FINES
Amount: \$ 2.00
Check Number:
Receipt Number: 14264992
Adding Officer: ACCOUNTING STAFF
Card #:
Beginning Balance: \$ 0.00
Ending Balance: \$ 0.00

Deposit From/Withdrawal To: DCF 19-267 ARA 7/5/19
Document Locator Number:
Case/Order Number:
Memo:
Batch Verifying Officer: ACCOUNTING STAFF
Batch Number:
Address: ,

Cost Recovery Collected:

To Cost Recovery:

\$2.00 CR - GRIEVANCE FEES/FINES

STATE OF OKLAHOMA }
COUNTY OF Hughes } SS.

SWORN AFFIDAVIT OF James Ezell

I James Ezell being of lawful age duly sworn according to law gives the following statement under oath to-wit:

1. The affiant states around abt 6/24/19 this grievance was provided to D.C.F mailroom Ms. West with attached DOC 090124 D R.T.S. by staple in left up corner by affiant the above date Reviewing Authority and Appeal To Administrative Review Authority explaining that the Grievance Coord. destroy the attachment to this grievance
2. The affiant further states on 7/1/19 Ms. Underwood suggested the R.T.S was not attached affiant kept the original copy as it was because proof and affiant would further contend the mailroom supervisor on the date submitted double checked the attachments video footages on Echo Charlie Law Library Eages at abt. 10:30-12:00 6/24/19 supports page 1 of 2 continue affidavit on 2 of 2

DAVIS CORRECTIONAL FACILITY
Inmate Accounting Transaction Receipt

Today's Date: 08/13/2019 12:35:03PM

EZELL, JAMES RICKEY

E/EC/102/B

Agency # 237370

Perm # 1155321

Transaction Date: 08/13/2019 09:17
Transaction Type: CR - GRIEVANCE FEES/FINES
Amount: \$ 2.00
Check Number:
Receipt Number: 14264999
Adding Officer: ACCOUNTING STAFF
Card #:
Beginning Balance: \$ 0.00
Ending Balance: \$ 0.00

Deposit From/Withdrawal To: DCF 19-268 ARA 7/5/19
Document Locator Number:
Case/Order Number:
Memo:
Batch Verifying Officer: ACCOUNTING STAFF
Batch Number:
Address: .

Cost Recovery Collected:

To Cost Recovery:

\$2.00 CR - GRIEVANCE FEES/FINES

continued of 1 of 2 grievance # 19-267; affiant further states that this was the second grievance submitted 6/24/19.

3. The affiant contends further that the R.T.S was attached with staple and tape the top left up corner by affiant which affiant has previously stated the Reviewing Authority Grievance Coord. Ms. Underwood destroy, the mailroom supervisor dropped mail in front of Law Library Cages on Echo Charlie the affiant asked Ms. West to look at those attachment R.T.S to those grievance of material facts above hereto.

4. The affiant Appeal To Administrative Review Authority by affiant was disregarded by Mark Knutson D.D.C designee the affiant has filed a number of grievances with D.D.C 090124 A R7/16 D.C.F Law Library continued to provide. affiant states the affidavit is of grievance coordinator (at) Reviewing Authority Level destroying R.T.S attached to grievance, then threaten affiant with grievance restriction Warden James Yates is attempting to black Notary as of August, 15, 2019 2 of 2. end

151 James Yates

Subscribed and Sworn to this 20 of August 2019

Notary Public Carla Hoover

My Commission 4-13-2023



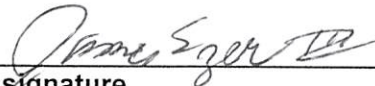
Inmate Accounting Transaction Receipt

EXHIBIT 10b) 4

E
X
10
did

GRIEVANCE RETURNED UNANSWERED

Received:


Inmate signature

10-9-19
Date

DATE: October 7, 2019
TO: Ezell, James, #237370
FROM: James Yates, Warden
Received: September 17, 2019
RE: Return of Grievance # 2019-1001-00342-G

YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:

- ☐ You have not filed your grievance within the specified time frame. (CANNOT RESUBMIT)
- ☐ The "Request to Staff" must be submitted **within seven (7) days of the incident.**
- ☐ The inmate/offender grievance must be submitted by the inmate/offender 15 days from the **date of the receipt of the response to the "Request to Staff."**
- ☒ An ANSWERED Request to Staff form addressed to the correct staff member must be attached.
- ☐ The **Request to Staff** issue is not consistent with the issue requested on the **Grievance.**
- ☐ Inmate Request forms are not utilized in the Grievance Process.
- ☐ You have not completed the Grievance form correctly, in its entirety, or on the correct form.
- ☐ Grievances submitted must be legibly written or typed, in blue or black ink. No pencil, highlighter, or other color of ink is allowed. No drawing, decorating, doodling, or making comments, in the margins of the pages is permitted.
- ☐ The **Grievance and Request to staff** must be specific as to the Complaint, Dates, Places, Personnel Involved and How the Inmate was Affected.
- ☐ Classification Movement requests to transfer to another facility, are not grievable to DOC.
- ☐ If there has not been response to your Request to Staff in 30 days, but no later than 60 days, of submission, the inmate may file a grievance to the reviewing authority with a copy of the "Request to Staff" attached to the grievance form. (Ask the law library supervisor for a copy of the RTS.) The grievance form may only be filed about the lack of response to the "Request to Staff."
- ☐ Only ONE ISSUE OR INCIDENT is allowed per **Grievance and Request to Staff.**
- ☒ You are on Grievance Restriction, proper documentation was not included.
- ☒ It has been determined that the grievance is not of an Emergency or Sensitive nature. The grievance is being returned and you must comply with the standard grievance process.

~~EXHIBIT 12a~~

Notes: Exhibit 17a) 1 date grievance R.T.S 10-15-19 Ms. Hoover

EXHIBIT 12a) 1

☐ **Section-09 Programs Page: 4 OP-090124 Effective Date: 04/11/2019**

B. Non-grievable Issues

1. Misconduct reports received through the agency disciplinary procedures may not be appealed through the grievance process. Misconduct reports may only be appealed through the disciplinary appeal process as referenced in OP-060125 entitled "Inmate/Offender Disciplinary Procedures."

☐ 2. Grievances shall not be submitted:

☐ (a) about matters that are in the course of litigation;

☐ (b) about matters that include requests for disciplinary action against staff;

☐ (c) requesting monetary compensation; or

☐ (d) For property issues at privately contracted facilities. These are to be resolved by the privately contracted facility and are not grievable or appealable to ARA.

☐ Property issues may be addressed by utilizing the requirements of CCA Policy 14-6: Inmate Resident Property (Property Claim 14-6D and Appeal 14-6E).

☐ **Section-09 Programs Page: 18 OP-090124 Effective Date: 04/11/2019**

A. Determining Abuse of the Grievance Process

1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))

☐ a. Grievances intended to harass another;

☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);

☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;

☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;

☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;

☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;

☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

☐ **Because of continued abuse of the grievance process this serves as an official warning.**

☒ You will be afforded the opportunity to properly re-submit a grievance form within **10 days** of receipt of this notice **WITH THE NOTED CORRECTIONS COMPLETED.** The grievance form must be proper, complete, and submitted to the proper reviewing authority. The failure of such waives/forfeits the right to proceed in the grievance process.

☐ Due to your continued failure to submit a properly filed grievance, you are now **OUT OF TIME.**

☐ Other: _____

Note: See Grievance # 00268, 00267 destroy R.T.S by Ms. Underwood ~~EXHIBIT 12a~~
now return of grievances unlogged 9-12-19 First Amendment Right violates Deputy.
Warden Gentry approve of this violation at B.A. and Mark Knutson A.R.A upheld this
violation.

EXHIBIT 12a) 2

Terry Underwood

INMATE/OFFENDER GRIEVANCE

RECEIVED
SEP 17 2019

Grievance no.

2019-1001-00342-6

Grievance code:

84

Response due:

10/7/19

GRIEVANCE

Emergency Grievance

DO NOT WRITE ABOVE THIS LINE

Date

8-27-19

Facility or Unit

D.C.F. Echo

Name

James Ezell

Facility Housing Unit

Echo Charlie 102

DOC Number

(Print)
237370

Date "Request to Staff" response received:

N/A

Have you previously submitted a grievance on this same issue? N/A If yes, what date N/A, facility N/A, grievance # N/A. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary.

On August 27, 2019 at Echo Charlie 102 Ms Hoover reviewed Grievance Restriction herets attached and denied to Notary the document that is accordingly with OP-090124 stating Ms. Underwood told her not to Notarize This denies offender First Amendment affecting offender Ezell other grievances →

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.

C/O Fox was called to EC-102 abt 11:40 to witness the denial I spoke with Ms. Hoover doorside she still denied Notary offender put paper in door

3. The action you believe the reviewing authority may lawfully take.

Ms. Hoover Job of Notary is only to verify my signature that's it's not to deny Notary

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

Name

JAMES PATES

Title

WARDEN

Signature of Grievant

James Ezell

Date Sent to Reviewing Authority

8-28-19

DOC 090124A (R 4/19)

1. Original to file
2. Copy to inmate/offender

EXHIBIT 12C

Note Grievance Coordinator returned 9-19-19 unlogged MS Underwood

Copy 1 of 2

EXHIBIT 12a) 3

RECEIVED

SEP 17 2019

GRIEVANCE

→ Emergency Grievance because the Notary Public Ms. Hoover refused to verify Mr. Ezell signature on prepared Grievance Restriction Affidavit stating Ms. Underwood told her not to Notary so offender could file grievance per OP-090124

Misconduct/Grievance Appeal To Administrative Review Authority

Inmate Name: James Ezell DOC Number: 237370
Facility Where Offense/Grievance Occurred: DCP Echo Offense Code: 3
Date of misconduct violation: _____
☐ Facility Misconduct Appeal Number _____ ☒ Facility Grievance Appeal Number 19-1001-00342

I received the response of the reviewing authority at the facility on: 10-9-19

Fill out this form in blue or black ink. Writing must be legible. I wish to appeal the reviewing authority's response to the misconduct/grievance on the following ground(s) only. DO NOT ATTACH ANY OTHER PAGES. (Use ONLY the back side of this page, if necessary). Your appeal will be returned to you unanswered if any other pages are submitted.

- ☒ Newly discovered/available evidence not considered by the reviewing authority, relevant to the issue, necessary for a proper decision, and why the evidence was not previously available which if considered may alter the decision (you must clearly state the newly discovered/available evidence); or
- ☒ Probable error committed by the reviewing authority in the decision such as would be grounds for reversal (you must clearly state the error committed by the reviewing authority, including citing the part of procedures or statutes not followed by the reviewing authority).

Response:

I understand that in accordance with OP-060125/OP-090124, I will be charged \$2 to appeal a misconduct/grievance to the Administrative Review Authority or Chief Medical Officer, and that this form is also a request for disbursement of funds from my trust fund draw account. If I do not have enough funds to cover this cost, the amount will be collected as soon as funds become available.

James Ezell
Signature of Inmate

10-11-19
Date

DOC 060125V (R 4/17)

~~EXHIBIT 12d~~

EXHIBIT 12b) 51

Newly discovered/available evidence not considered:

First, Once Echo Charlie Clerk Notary Ms. Hoover refused to Notarize prisoner Ezell prepared DP-090124 Grievance Restriction Affidavit this denial violated Ezell First, Sixth Eighth, and Fourteenth Amendment Right of U.S.C. as well as D.C. policy's DP-030115 DP-090124

Prisoner Ezell was denied Notary of Grievance Restriction Affidavit by Ms. Hoover on Aug. - 2019 % Foy worked Echo Unit witnesses and Mailroom Supervisors was present Ms. Hoover went to %m Pfaff office called Ms. Underwood directed her not to Notarize Affidavit

Prisoner Ezell submitted R.I.S on 8-28-19 to Ms. Hoover, Forwarded to %m Ade Retaliation on 8-29-19 in Echo Law Library Cage Misconduct; On August. 29, 2019 prisoner Ezell #237370 was placed in L.L.C by % Smith then written up for alleged refusing housing in EC-102 %m Ade %m Pfaff and Underwood, Warden Yates DHO Sgt Keys

Probable error committed by the reviewing authority

First, was for Grievance Coordinator Terry Underwood, D.C.F to directed Ms. Hoover not to Notarize Grievance Restriction Affidavit

Second, was for the Reviewing Authority to return grievances # 19-00342-G, 19-00343-G and 19-00344-G submitted on August. 29, 2019 through D.C.F Mailroom Supervisor Ms. West 9-12-19 for no other reason but to intentionally deny DP-090124 grievance process

Third, after prisoner Ezell given opportunity to R.A. by resubmitting the above grievances on 9-16-19 through D.C.F mailroom Supervisors Ms. West again Verified...

Fourth, D.C.F Reviewing Authority [Warden Yates] deliberately denied prisoner Ezell's right to First DP-030115 Access to Court Notary from Law Library by making that opportunity unavailable to Echo Maximum prisoner, Secondly [Ms. Underwood] intentionally told Ms Hoover not to provide Notary on prisoner Ezell prepared grievance restriction affidavit per DP-090124 was deliberately violating prisoner Ezell's substantial due process right and [Ms. Hoover] conspired denying DP-030115 and DP-090124 to prisoner Ezell attempting to block First Amendment Right and Fourteenth of U.S.C. and Deputy Warden Perez, C.O.U.M. Ms Dorman conspired. to deny prisoner DP-030115 and DP-090124.

Attached Grievance Restriction Affidavit supports 8-29-19 submitted grievances verified signature are available of incidents dates 8-29-19, 9-12-19, 9-16-19.

[Ms. Hoover's Job as Notary is to verify prisoner Ezell's signature] not to deny DP-030115 or DP-090124 making prisoner grievance process unavailable Emergency Grievance File per [DP-090124] on 8-29-19 at D.C.F grievances Denied

I James Ezell affiant states the above is true and correct on 8-29-19 grievance was submitted through mailroom Ms. West verified for Ms. Underwood under penalty of perjury pursuant to 28 U.S.C 1746 (s) James Ezell

copy 2 of 2

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA)

COUNTY OF Hughes) SS. 19-CV-302 JHP-SPS

SWORN AFFIDAVIT OF James Ezell

I James Ezell being of lawful age duly sworn
According to law gives the following statement under
oath to-wit:

1. Affiant states at about 3:35 pm on Echo Charlie at 102 Ms. Underwood delivered grievance # 19-1001-00342, 19-1001-00343 and 19-1001-00344 that was provided previously on August 29, 2019 through the D.C.F mailroom Ms. West Supervisors whom verify these documents.
2. Affiant further states on 10-9-19 D.C.F G.C. Ms. Underwood delivered the above grievances that was returned on 9-12-19 in mail verify by a correction officer in which affiant re-submitted through mailroom 9-16-19 verified again by Ms. West Supervisors on 9-18-19
3. Affiant further states that on 10-9-19 at 3:35 pm on Echo Charlie at doorside affiant also the plaintiff served Ms. Underwood the U.S.M. 885 in which she took from me then stuck it back in my door 102 at 3:35.
4. Affiant further assert that on Sept. 12, 2019 % Kiner worked Echo Charlie at mail-pass he provided 3 grievances returned I the affiant expressed the violation of Ms. Underwood that continue and advised % Kiner to log grievances by dates in Unit log book and when Ms. West returned on 9-16-19 affiant addressed mailroom Supervisor and showed her verification these grievances was provide to Ms. Underwood then she state that she would return them again end

I declare under penalty of perjury pursuant to 28 U.S.C § 1746 b1/James Ezell #

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Subscribed and Sworn to this _____ of _____ 2019
Notary Public _____ Commission _____

~~EXHIBIT 12b~~

EXHIBIT 12b)2

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA)
) SS. 19-CV-302-JHP-SPS
COUNTY OF HUGHES)

SWORN AFFIDAVIT OF James Ezell

I James Ezell being of lawful age duly sworn
According to law gives the following statement under
oath to-wit:

- 1.) Affiant submitted inmate request to Ms Hoover on October 10, 2019 for
Notary of documents 1) SWORN AFFIDAVIT from 10-9-19 on Ms. Underwood; and 2 copies
of grievance # 19-1001-00343 and 19-1001-00344 for Notary my copy for legal purposes"
affiant showed Ms Hoover the Administrative Review Authority DOC 060125V form for
Notary Ms. Hoover stated I could write you up and will write you up for using this
Form affiant stated that would be more Retaliation to write me up, affiant
then state I can not attach anything to this form but I can Notarize it
per Policy DP-030115 and show Ms. Hoover.
- 2.) Affiant further states Ms. Hoover went into my affiant office on Eitha Charlie
at abt 11:00 returned and stated she did not have to Notary my copy
but DP-060124 and DP-030115 IV.C Notary Services are available for legal
documents after Sept. 9, 2019 everything is legal documents see. CIV-19-302-
JHP-SPS
- 3.) Affiant contends Continue Denial of my First Amendment Right of U.S.C
by Defendants named and directly by Ms Hoover under direction of Ms. Underwood
with continue threats of Misconducts Ms. Hoover refused to Notary documents
prepared to be copied for CIV-19-302-JHP-SPS Amended Complaint, as affidavits.
on August 27, 2019 Ms Hoover denied Notary intentionally inflicting emotional
distress depriving prisoner Ezell of Constitution Rights!
I declare under penalty of perjury pursuant to 28 U.S.C § 1746 B/James Ezell JHP

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Subscribed and Sworn to this _____ of _____ 2019
Notary Public _____ Commission _____

~~EXHIBIT 126~~
EXHIBIT 126) 3